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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 28th April, 2000 :—

BILL NO. XXX OF 2000

A Bill further to amend the Trade Unions Act, 1926.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Trade Unions (Amendment) Act, 2000.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 4.

16 of 1926.

2. In section 4 of the Trade Unions Act, 1926 (hereinafter referred to as the principal Act), in sub-section (1), the following provisos shall be inserted at the end, namely:—

“Provided that no Trade Union of workmen shall be registered unless at least ten per cent. or one hundred of the workmen, whichever is less, engaged or employed in the establishment or industry with which it is connected are the members of such Trade Union on the date of making application for registration:

Provided further that no Trade Union of workmen shall be registered unless it has on the date of making application not less than seven persons as its members, who are workmen engaged or employed in the establishment or industry with which it is connected.”.

Amendment of
section 5.

3. In section 5 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) in the case of a Trade Union of workmen, the names, occupations and addresses of the place of work of the members of the Trade Union making the application;”.

Amendment of
section 6.

4. In section 6 of the principal Act,—

(a) for clause (ee), the following clause shall be substituted, namely:—

“(ee) the payment of a minimum subscription by members of the Trade Union which shall not be less than—

(i) one rupee per annum for rural workers;

(ii) three rupees per annum for workers in other unorganised sectors;
and

(iii) twelve rupees per annum for workers in any other case;”;

(b) in clause (h), for the word “appointed”, the word “elected” shall be substituted;

(c) after clause (h), the following clause shall be inserted, namely:—

“(hh) the duration of period being not more than three years, for which the members of the executive and other office-bearers of the Trade Union shall be elected;”.

Insertion of new
section 9A.

5. After section 9 of the principal Act, the following section shall be inserted, namely:—

“9A. A registered Trade Union of workmen shall at all times continue to have not less than ten per cent. or one hundred of the workmen, whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is connected, as its members.”.

Amendment of
section 10.

6. In section 10 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

“(c) if the Registrar is satisfied that a registered Trade Union of workmen ceases to have the requisite number of members;”.

Amendment of
section 11.

7. In section 11 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) where the head office is situated in an area, falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be;”.

Substitution of
new section for
section 22.

8. For section 22 of the principal Act, the following section shall be substituted, namely:—

‘22. (1) Not less than one-half of the total number of the office-bearers of every registered Trade Union in an unorganised sector shall be persons actually engaged or employed in an industry with which the Trade Union is connected:

Provided that the appropriate Government may, by special or general order, declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order.

Explanation.—For the purposes of this section, “unorganised sector” means any sector which the appropriate Government may, by notification in the Official Gazette, specify.

(2) Save as otherwise provided in sub-section (1), all office-bearers of a registered Trade Union, except not more than one-third of the total number of the office-bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the Trade Union is connected.

Proportion of
office-bearers
to be connected
with the indus-
try.

Explanation.—For the purposes of this sub-section, an employee who has retired or has been retrenched shall not be construed as outsider for the purpose of holding an office in a Trade Union.

(3) No member of the Council of Ministers or a person holding an office of profit (not being an engagement or employment in an establishment or industry with which the Trade Union is connected), in the Union or a State, shall be a member of the executive or other office-bearer of a registered Trade Union.'

9. In section 29 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

Amendment
of section 29.

"(3) Every notification made by the Central Government under sub-section (1) of section 22, and every regulation made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or regulation, or both Houses agree that the notification or regulation should not be made, the notification or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or regulation.

(4) Every notification made by the State Government under sub-section (1) of section 22 and every regulation made by it under sub-section (1) shall be laid, as soon as may be after it is made, before the State Legislature.”.

STATEMENT OF OBJECTS AND REASONS

The Trade Unions Act, 1926 provides for registration of Trade Unions of employers and workmen. A Bill, namely, the Trade Unions and Industrial Disputes (Amendment) Bill, 1988 was introduced in the Rajya Sabha to amend, *inter alia*, the Trade Unions Act, 1926. The said Bill was withdrawn in 1990 and a Bipartite Committee with a term of reference "formulation of specific proposals for a new Industrial Relations Bill" comprising representatives of employers' organisations and Central Trade Unions was constituted under the Chairmanship of Shri G. Ramanujam. The Committee submitted its report in October, 1990.

2. Based on the recommendations of the Ramanujam Committee and subsequent deliberations held thereon, a Bill for amending the Trade Unions Act, 1926 was drawn up. The Bill, at the introduction stage was agreed to be referred to the Parliamentary Standing Committee on Labour and Welfare. The proposals were also referred to the Bipartite Committee set up by the Government for formulation of a Comprehensive Industrial Relations Law with a view to soliciting detailed views of labour on the proposed amendments. The workers' group of the Bipartite Committee representing various Central Trade Union Organisations submitted its recommendations to the Government.

3. The provisions of the present Bill with minor amendments are based upon the recommendations made by the Trade Union Organisations. The thrust of the recommendations is aimed at reducing multiplicity of the Trade Unions, promoting internal democracy, rank and file leadership of Trade Unions and facilitating their orderly growth and regulation.

4. The important provisions of the Bill are as under:—

(i) section 4 is being amended with a view to making an additional provision that no Trade Union of workmen shall be registered unless at least ten per cent. or one hundred, whichever is less, of workmen engaged or employed in the establishment or industry with which it is connected, are on the date of filing the application for registration, the members of such Trade Union and in no case a Union shall be registered without a minimum strength of seven members;

(ii) section 6 of the Bill may be modified to incorporate the minimum rates of subscription of membership for rural workers and workers in the unorganised sector;

(iii) section 9A has also been inserted to provide that a registered Trade Union of workmen shall at all times continue to have not less than ten per cent. or one hundred of the workmen, whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is concerned, as its members;

(iv) section 11 of the Trade Unions Act may be amended to provide for an appeal before the Industrial Tribunal/Labour Court in case of non-registration/ restoration of registration;

(v) section 22 of the Act will be substituted, so that all office-bearers of a registered Trade Union, except not more than one-third of the total number of office-bearers or five, whichever is less, shall be persons actually engaged or employed in the establishment or industry with which the Trade Union is connected. The employees who have retired or have been retrenched shall not be construed as outsiders for the purpose of holding an office in a Trade Union. In case of unorganised sector, however, the present provision of section 22 of the Act would continue to be applicable.

5. The Bill seeks to achieve the above objects.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to specify a sector as an unorganised sector, by notification, for the purposes of this Bill. Clause 9 of the Bill envisages that every notification made by the Central Government or the State Government, as the case may be, under clause 8 shall be laid as soon as may be, after it is made before each House of Parliament and before the State Legislature, concerned.

2. The matters in respect of which the notifications may be issued under the above mentioned provision relate to administrative detail and procedure. The delegation of the legislative power is, therefore, of a normal character.

R.C. TRIPATHI,
Secretary-General.

